

STATEMENT OF WITNESS

(Criminal Justice Act 1967, ss 2,9/M.C. Rules, 1968, r.58)

Statement of : Gareth Peirce

Age of witness
(if over 18 enter 'over 18') : Over 18

Occupation of witness : Solicitor

Address : Birnberg Peirce & Partners, 14 Inverness Street,
London NW1 7HJ

This statement, consisting of 7 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 12th February 2020

Signed Gareth Peirce

Signature witnessed by Niamh Butler

1. I make this fourth statement in the present proceedings relating to the US extradition request for Julian Assange whom I represent.
2. As was indicated to the Court at the case management hearing in January 2020, one significant remaining area of potential defence evidence was continuing to be investigated. In conjunction, urgent steps were being taken to ensure that better facilities be made available to Mr Assange who had been unable to review data on the basis of which he might be enabled to begin to re-trace his own actions and relevant communications in 2009/2010/2011.

Signed Gareth Peirce

Signature witnessed by Niamh Butler

3. The emphasis on essential consideration of data was characterised for the Court as related to the outstanding issue of "publication".
4. The indictment and the supporting prosecution evidence state that prior to the publication of the un-redacted State Department cables, Mr. Assange had "claimed that he intended "to gradually roll [the cables] out in a safe way" by partnering with mainstream media outlets. However, "while Assange and WikiLeaks published some of the cables in redacted form beginning in November 2010, they published over 250,000 cables in September 2011 in un-redacted form". The task that has faced those representing Mr Assange, has been to attempt to reconstruct the actions and communications of WikiLeaks and of Mr Assange himself not only during the period suggested above (November 2010 until September 2011), but in relation to the claimed origins of exchanges relating to the first receipt of WikiLeaks of data said to have been sent by Pte. Manning, and to obtain evidence of relevance, including of Mr Assange's whereabouts, activities and parallel communications with others.
5. Had Mr Assange been notified in 2011, for instance, or soon thereafter, of the allegations against him and his extradition requested at that stage, there would have been accessible to him all of his records and those of his immediate associates including computers, telephones and written communications including with media partners and with members of WikiLeaks of direct relevance to the history of control of and access to encrypted data, (including litigation initiated in relevant European countries to ensure its safety). Almost none of that private data is now available, including as set out in my earlier statement relating to Mr Assange's legally privileged material seized from the Ecuadorian Embassy, the one record of his entire archive has been taken.
6. Of those individuals on whom Mr Assange most closely relied and from whom he sought advice, at least from 2010, the three advisers closest to him have since died, namely Michael Ratner in 2016, President of the Centre for Constitutional Rights in New York, and the lawyer most centrally engaged in

Signed *G. Lewis*.....

Signature witnessed by *N. ...*

every aspect of Mr Assange's complex position; secondly, the barrister John Jones QC who like Mr Ratner, continued to advise Mr Assange until his untimely death in April 2016. Lastly, Gavin McFadyen a respected figure of huge importance to both WikiLeaks and Mr Assange also died in October 2016. Mr Assange is unable to attempt to re-construct his consultations and discussions with them and access any records they might have retained.

7. In attempting to re-construct what is necessary for Mr Assange's effective challenge to the extradition proceedings, I have for the past nine months conducted extensive investigations in a number of countries as well as conducting research into what is available in the public domain. Whilst it has remained my intention to attempt to assemble evidence of the history of the subject matter of the indictment, including the arrangements for publication of significance in demonstrating the conscientious way in which publications were progressed, I have found that detailed records are often either fragmented or missing entirely.
8. The successive publications themselves by WikiLeaks and its media partners provide some understanding of the enormity of the joint enterprise that was maintained in a growing spread of information sharing with media partners worldwide for over a period of more than a year. In light of the enormity of the spread of publications, I am making them available to the Court and the prosecution in files separate from the evidential files since the bulk is so considerable. These are not therefore served as evidence or in appendices to this statement. If required to be referred to at any stage, it is suggested that the means by which they are made available might be appropriately the subject of discussion between the parties so as not to overload the proceedings with documents. The fact of publication by mainstream media, will undoubtedly not be a matter of contention. What are not similarly accessible however are the majority of records of activity and collaboration underpinning and leading to those publications.

Signed *G. Lewis*.....

Signature witnessed by *N. Quills*....

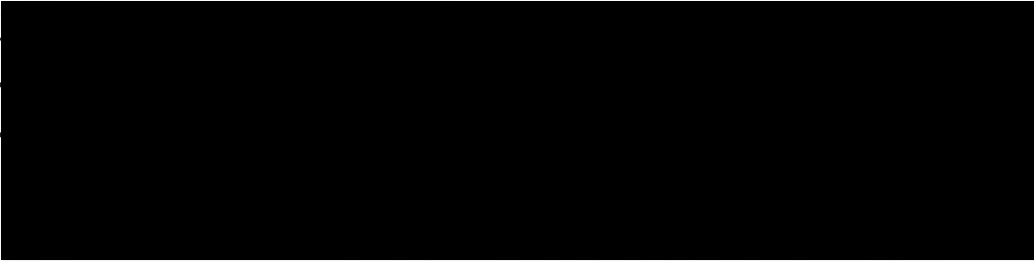
9. Within this statement, in summarising potential evidence being now unobtainable, I refer nevertheless to material which is accessible in the public domain. I provide the links to that information. In the view of the fact that the technical terminology that allows for understanding of the content and/or timing of those links is difficult, I produce a letter from an expert in relevant technical detail, as the most straightforward way by which the evidence I produce (the links to the publicly published information) can be more easily understood. I produce the record of those links, together with a brief explanation of the relevant technical terms, as Annex 1 to this statement within a letter from Professor Christian Grothoff dated 12th February 2020.
10. In respect of the activities of WikiLeaks, what was intended to be a carefully maintained internal record of its collective actions, has now been dispersed or fragmented. The archive material kept by Mr Assange in the Ecuadorian Embassy [REDACTED] is for the reasons explained previously, unable to be accessed by him or his lawyers.
11. Some fragments of evidence accidentally remain; the transcript of one such is attached at Annex 2 to this statement, derived from an internal WikiLeaks video log of 25th August 2011, that extract from the internal log having been retained separately by an external filmmaker. In the transcript of that recording, Mr Assange and a WikiLeaks colleague Sarah Harrison, attempt to telephone the US State Department on 25th August 2011 to inform the Secretary of State of what by then was realised to be the ability for the un-redacted cables to be accessed.
12. The statement of Jacob Augstein dated 12th February 2020, describes a telephone call received by him, in the week before 25th August 2011, as he was preparing to publish an article to the same effect; in both communications Mr Assange is urgently warning of the risks of accelerating proliferation of un-redacted data and making sustained and emphatic representations that steps be taken by those in a position to do so to ensure that no harm come to any persons as a result.

Signed *Garth Peere*


Signature witnessed by *N. A. Williams*

13. Yet further information consequently as to WikiLeaks attempts to prevent that proliferation over a period of time, has so far been unable to be located in my investigations.

14.

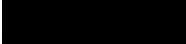
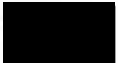


15.

 In relation to the prosecutors' claims, (referred to for the first time in the affidavit of Kellen Dwyer dated the 4th June 2019), of the risk of harm to individuals, those claims, have now been hugely amplified in the latest statement of Attorney Gordon Kromberg of January 17th, the considerably expanded allegations of harm being made for the first time. In consequence, since receipt of the statement of Kellen Dwyer but most particularly in the three weeks since the service of Mr Kromberg's affidavit, I and a colleague have attempted to investigate those claims.

16. They relate, in the most sweeping terms, to the circumstances prevailing in a number of countries generally, and/or on occasion, to specific individuals, although in terms that mean that they are effectively untraceable by any defence lawyer, in order to discover whether they have been or were ever exposed to danger or not.



 In respect of individuals said to have been exposed to danger in countries where the internal history, the politics, alignments political or social, and expectations of safety or otherwise have inevitably changed innumerable times in the past decade, the circumstances prevailing in 2010 or 2011 



Signed *Gordon Kromberg*

Signature witnessed by *M. Dwyer*

17.

[REDACTED]

Following receipt of the superseding indictment last year, and in attempting to investigate two of the instances of individuals placed in danger, I through accidental contacts, learned of one individual who at the time of the release of information understood the reference to be to himself. He was and is clearly not at the risk described.

18.

[REDACTED]

19.

[REDACTED]

20.

[REDACTED]

Signed G. Levin.....

Signature witnessed by N. Duille.....

21. I have further, previously notified the Court of the impediments to the most basic of access to the bare minimum needs for proper representation; these have included the ability to hand in documents to Mr Assange, the ability (severely circumscribed) of adequate legal visits and access to a computer to view data potentially understandable only by him. Two weeks ago our firm received a letter of apology from the Government Legal Department, to explain that Mr Assange's needs had been misunderstood, and that authorisation was now being given for a hard drive to be provided by Belmarsh Prison to his lawyers, so that data could be available for him to view material on a laptop provided by the prison (as is regarded as essential for all prisoners needing to review data for their case). In consequence, although the computer facilities offered still fall far short of what is needed, for the first time, just as the finality ordered by the Court for the service of defence evidence is reached, Mr Assange is being permitted the means to review the relevant material, as urged upon Belmarsh Prison and the Government Lawyers Department throughout the past six months. ✓

22. I am aware that there is in consequence still outstanding material of relevance that Mr Assange has not been able to review. It is in spite of these obstacles, that we have sought to provide evidence to the Court that allows for these extradition proceedings to proceed. Nevertheless we would be failing in our responsibility to present the best case for Mr Assange that we are able, not to underline to the impediments that continue to exist in that endeavour. ✓

23. Separately I produce at Annex 3, an opinion from the law firm of Eric Lewis, on the incorporation of treaties into US domestic law. ✓

Signed *G. Ravi*.....

Signature witnessed by *N. D. Wille*.....